

**FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE**

DISTRICT : MUMBAI

WRIT PETITION NO.8074 OF 2004

Office notes, Office '
Memoranda of Coram, '
appearances, Court's '
orders or directions '
& Registrar's orders '

Court's or Judge's orders

Mr N.B. Shah i/b M/s B.R. Oza and Co.
for Petitioner.
Mr N.V. Mhatre for Respondent No.8.

CORAM : D.K. DESHMUKH J.

DATE : 28TH SEPTEMBER 2005

P.C. :-

1. By this petition filed under Article 227 of the Constitution of India, the petitioner challenges the order passed by the Trial Court rejecting the objection raised by the petitioner. An order admitting the document in evidence or an order refusing to admit the document in evidence is an order of interlocutory nature. The learned counsel appearing for petitioner, however, submits that the order is of final nature. When the Court decides to admit the document in evidence, it does not decide the case. An interlocutory order is capable of being challenged alongwith the final order that may be passed in the suit. The learned counsel appearing for

petitioner is not in a position to show as to how the order impugned in the petition is not an order of interlocutory nature. So far as the merits of the controversy are concerned, the learned counsel appearing for petitioner relies on the judgment of the Supreme Court in the case of Salem Advocate Bar Association, Tamilnadu v/s Union of India, reported in (2005) 6 SCC 344 and the judgment of the learned Single Judge of this Court in the case of Shri Durgashankar S. Trivedi and others v/s Shri Babubhai B. Parekh, reported in 2003(2) All MR 565. As I find that the order impugned in the petition is of interlocutory nature, I do not propose to examine whether on merits the order is proper or wrong. Petition is rejected.

. Parties to act on the copy of this order duly authenticated by the Sheristedar / Personal Secretary as true copy.

. Certified copy expedited.
